

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 12-cr-20545

vs.

Hon. Bernard A. Friedman

MARK JOVETT APSEY,

Defendant.

/

NOTICES AND DEMANDS IN COMPLIANCE WITH STANDING ORDER

Defendant, MARK JOVETT APSEY, by his attorney, Stephen T. Rabaut, provides the following notices and requests:

1. It is hereby requested that the Government provide the following information, and where applicable, to provide copies or an opportunity to make copies of:
 - (a) Any information and documents within the meaning of the "Standing Order," paragraph 1(a), and/or Rule 16(a)(1) of the Federal Rules of Criminal Procedure.
 - (b) Any favorable evidence within the meaning of the "Standing Order," paragraph 1(b), and/or *Brady v. Maryland*, 373 U.S. 83 (1963) and *United States v. Agurs*, 427 U.S. 97 (1976), including but not limited to:
 - i. All consideration or promises of consideration given to or on behalf of a witness, or expected or hoped for by a witness.

ii. All threats or coercion made or directed against a witness, including but not limited to threats of criminal prosecution or investigation, or threats or civil or tax litigation or investigation.

iii. All records or information revealing prior felony convictions, misdemeanor convictions or juvenile adjudications of the Defendant and any witness the Government intends to call at trial.

iv. The existence and identification of each occasion known to the government on which any witness the government intends to call at trial may have testified falsely under oath, or submitted false affidavits in connection with proceedings of any kind, including but not limited to forfeiture proceedings, or each occasion known to the government on which any witness the government intends to call at trial may have made inconsistent statements in connection with this case, and a summary of such inconsistent statements.

(c) Any document which will be used to refresh the memory of a witness within the meaning of the "Standing Order," paragraph 8, and/or Rule 612 of the Federal Rules of Evidence.

(d) Any statement of witnesses within the meaning of 18 USC 3500(e).

2. Notice is hereby given pursuant to the "Standing Order," paragraph 5(b), that the foundation for any and all exhibits will be contested, and paragraph 6(b) that the chain of their custody will be contested.

3. Notice is hereby given pursuant to the "Standing Order," paragraph 7, that any scientific analysis or summary testimony by experts will be contested unless there has been a proper basis for the witness' testimony under Rule 1006 of the Federal Rules of Evidence.

4. All requests for information, materials, or evidence contained herein are continuing ones and the government is requested to immediately provide any additional information, materials, or evidence as required by the "Standing Order," paragraph 3 and/or Rule 16(c) of the Federal Rules of Criminal Procedure.

5. Pursuant to Rule 16(a)(1)(A), Defendant requests disclosure of the substance of any relevant oral statement made by Defendant, before or after arrest, in response to interrogation by a person Defendant knew was a government agent if the government intends to use the statement at trial.

6. Pursuant to Rule 16(a)(1)(B), Defendant requests disclosure of any relevant written or recorded statement by Defendant, the portion of any written record containing the substance of any relevant oral statement made before or after arrest if Defendant made the statement in response to interrogation by a person Defendant knew was a government agent, and Defendant's recorded testimony before a grand jury relating to the charged offense.

7. Pursuant to Rule 16(a)(1)(D) of the Federal Rules of Criminal Procedure, Defendant requests a copy of his prior criminal record that is within the government's possession, custody, or control.

8. Pursuant to Rule 16(a)(1)(E) of the Federal Rules of Criminal Procedure, Defendant requests permission to inspect and to copy or photograph books, papers, documents, data, photographs, tangible objects, buildings or places that are within the government's possession, custody or control and that meet the requirements set forth in the

rule, including but not limited to the full disclosure of all Title III intercepted conversations of the Defendant, including the full identity of each participant which counsel contends are “items” “obtained fromthe defendant” pursuant to Rule 16(E)(iii).

The Defendant further requests all Applications, Affidavits and Orders pertaining to any and all Title III wire interceptions; and any and all Affidavits, Search Warrants and Returns pertaining to this investigation.

9. Pursuant to 16(a)(1)(F) of the Federal Rules of Criminal Procedure, Defendant requests permission to inspect and to copy or photograph the results or reports of any physical or mental examination and of any scientific test or experiment that is within the government’s possession, custody, or control and that meet the requirements set forth in the rule.

10. Notices contained herein will remain in effect unless expressly withdrawn.

/s/ Stephen T. Rabaut
Stephen T. Rabaut (P 31143)
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Dated: December 14, 2012

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/

CERTIFICATE OF SERVICE

I hereby certify that on December 14, 2012, I electronically filed a Notices and Demands in Compliance with Standing Order with the Clerk of the Court using the ECF system which will send notification of such filing to the attorneys of record.

/s/ Cynthia Seelinger

Cynthia Seelinger
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Dated: December 14, 2012